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IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

STAMBAUGH'S AIR SERVICE, INC., :

Plaintiff :

v. :

CASE NO. 1:CV-00-0660

SUSQUEHANNA AREA REGIONAL :  
AIRPORT AUTHORITY, BAA :  
HARRISBURG, INC., DAVID FLEET, :  
individually, DAVID HOLDSWORTH, :  
individually, and DAVID C. MCINTOSH, :  
individually, :

Defendants :

Judge Yvette Kane  
Magistrate Judge J. Andrew Smyser

FILED  
HARRISBURG, PA

MAY 23 2000

**MOTION FOR LEAVE TO FILE BRIEF IN** MARY E. D'ANDREA, CLERK  
**EXCESS OF FIFTEEN (15) PAGES** Per Deputy Clerk

Defendants Susquehanna Area Regional Airport Authority ("SARAA"), BAA Harrisburg, Inc. ("BAA"), David Fleet ("Fleet"), David Holdsworth ("Holdsworth") and David C. McIntosh ("McIntosh"), (collectively "Defendants"), by and through their attorneys, Rhoads & Sinon LLP, pursuant to Local Rule 7.8, and file the within Motion for Leave to File Brief in Excess of Fifteen (15) Pages, as follows:

1. On or about April 10, 2000, Plaintiff instituted the instant action by filing its Complaint.

2. In the Complaint, Plaintiff advances seven (7) independent Counts, arising under both federal and state law, against five (5) separate Defendants. The Complaint contains 237 paragraphs.

3. The Complaint alleges violations of Plaintiff's state and federal substantive due process and equal protection rights, and state law claims for conspiracy, violation of the Pennsylvania Municipality Authorities Act, and tortious interference with existing contractual relationships.

4. On May 19, 2000, Defendants have filed their Motion to Dismiss Plaintiff's Complaint and are in the process of preparing their Brief in Support of the Motion to Dismiss. The Brief is due on or before May 30, 2000.

5. Local Rule 7.8 provides that briefs on pretrial motions are limited to fifteen (15) pages unless specifically authorized by the Judge in a particular case.

6. Based on the number of claims advanced by Plaintiff, the arguments raised by Defendants in their Motion to Dismiss, and the complexity of the issues presented, Defendants Brief in Support of its Motion to Dismiss will be in excess of fifteen (15) pages.

7. Defendants will be prejudiced if they are unable to assert arguments in their Brief in Support of Motion to Dismiss because of the page limitation.

8. Defendants' Brief in Support of their Motion to Dismiss will not exceed thirty-five (35) pages and Defendants will endeavor to keep the Brief as short as possible. Counsel for

the parties discussed this Motion and agreed that each party would consent to a page extension not to exceed thirty-five (35) pages.

WHEREFORE, Defendants Susquehanna Area Regional Airport Authority, BAA Harrisburg, Inc., David Fleet, David Holdsworth, and David C. McIntosh respectfully request that this Honorable Court grant the within Motion and allow the Defendants leave to file a Brief in Support of Motion to Dismiss not to exceed thirty-five (35) pages.

Respectfully Submitted,

RHOADS & SINON LLP

By: 

Dean F. Piermattei  
Timothy J. Nieman  
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(717) 233-5731

Attorneys for Defendants

Date: May 23, 2000

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individually, :

Defendants :

CASE NO. 1:CV-00-0660

Judge Yvette Kane  
Magistrate Judge J. Andrew Smyser

**CERTIFICATION OF CONCURRENCE**

I, Dean F. Piermattei, certify that I, as counsel for Defendants, communicated with Plaintiff's counsel regarding Defendants' Motion for Leave to File Brief in Excess of Fifteen (15) Pages and that Plaintiff's counsel has advised that he concurs with the Motion.

Respectfully Submitted,

RHOADS & SINON LLP

By: 


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P. O. Box 1146  
Harrisburg, PA 17108-1146  
(717) 233-5731

Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on May 23, 2000, a true and correct copy of the foregoing Motion for Leave to File a Brief in Excess of Fifteen (15) Pages was served by means of United States mail, first class, postage prepaid, upon the following:

Thomas B. Schmidt, III, Esquire  
Brian P. Downey, Esquire  
Randy L. Varner, Esquire  
Pepper Hamilton LLP  
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A handwritten signature in cursive script, reading "Carolyn H. Jecker", is written over a horizontal line.